The Honorable John H. Chun 1 Trial Date: April 29, 2024 2 3 4 5 6 7 UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF WASHINGTON 8 AT SEATTLE 9 ALEXANDRIA L. ERWIN and IVAN J. JOHNSON LUCIANO, Case No. 2:22-cv-00893-JHC 10 Plaintiffs, 11 STIPULATED MOTION AND ORDER TO CONTINUE VS. 12 DISCOVERY DEADLINE AS TO **DEPOSITIONS OF RULE 30(b)(6)** OBI SEAFOODS, LLC, 13 **DESIGNEE(S) AND JUSTIN** Defendant. **MULLINS** 14 Noted on Motion Calendar: 15 Friday, November 17, 2023 16 Pursuant to Federal Rule of Civil Procedure 6(b) and LCR 16(b)(6), the Parties request a 17 brief continuance of the discovery deadline in this matter as to the depositions of OBI's Rule 18 30(b)(6) designee(s) and Justin Mullins, if the Court's schedule can accommodate it. In support of 19 this stipulation, Defendant states as follows: 20 1. Trial is scheduled for April 29, 2024. Dkt. # 38. 21 The discovery deadline is December 1, 2023. Dkt. #38. 22 3. The Parties are engaged in discovery, and have diligently pursued written discovery, 23 issuing and responding to discovery requests for production and participated in multiple 24 depositions. 25 26

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- 4. On October 26, 2023, Plaintiff issued a Notice of Rule 30(b)(6) Deposition to Defendant and set the deposition for November 27, 2023.
- 5. On November 7, 2023, Plaintiff issued a Notice of Deposition for fact witness Justin Mullins for November 28, 2023.
- 6. On November 7, 2023, Defendant's counsel informed Plaintiff's counsel that they were unavailable on November 27, 2023, and November 28, 2023, for these depositions but would be available on December 5, 2023 and December 13, 2023 —after the close of discovery. Plaintiff declined to reschedule the aforementioned depositions given that the only alternative dates Defendant provided were after the Court-ordered discovery cutoff.
- 7. On November 16, 2023, the Parties met and conferred on the timing of these depositions as well as their substance. Defendant confirmed they would not produce Mullins or a 30(b)(6) designee before the discovery cutoff. While the Parties were unable to meet minds about narrowing the substance of the notices during this meeting, they came to an agreement to extend the discovery deadline as to the Plaintiff's Notice for a Rule 30(b)(6) deposition and the deposition of Justin Mullins only. Plaintiff's counsel agreed a brief continuance of the discovery cutoff was necessary given that (1) Defendant confirmed it would not produce Mullins or a 30(b)(6) designee before the close of discovery and (2) Defendant intended to move for a protective order on both deposition notices, and the Court may not be able to decide the issues raised by Defendant before end of the discovery period.
- 8. The Court may extend the case schedule where good cause exists. Fed. R. Civ. P. 16(b)(4). LCR 16(b)(4). St. George v. Sequim Sch. Dist., No. 18-CV-05372-RJB, 2018 WL 6518118, at *1 (W.D. Wash. Dec. 11, 2018).
- 9. The Parties propose continuing the deadline for discovery up to and including December 14, 2023, or such time as the Court deems appropriate, for the limited

1	IT IS SO STIPULATED THIS 17 th day of November, 2023.
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4	/s/ Carson Phillips-Spotts (via email authorization) s/ Alyesha A. Dotson Alyesha A. Dotson, WSBA #55122
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ORDER 1 2 THIS MATTER, having come before the undersigned judge of the above-entitled Court, 3 based on the foregoing Stipulated Motion, now, therefore, IT IS HEREBY ORDERED that the discovery deadline and dispositive motion deadlines 4 in this matter be CONTINUED up to and including December 14, 2023. 5 6 7 DATED this 20th day of November, 2023. 8 John N. Chan 9 10 John H. Chun 11 United States District Judge 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26

CERTIFICATE OF SERVICE 1 I am a resident of the State of Washington, over the age of eighteen years, and not a party 2 to the within action. My business address is One Union Square, 600 University Street, Ste. 3200, 3 Seattle, WA 98101. I hereby certify that on November 17, 2023, I electronically filed the 4 foregoing document titled Stipulated Motion and [Proposed] Order to Continue Discovery 5 Deadline as to Depositions of Rule 30(b)(6) Designee(s) and Justin Mullins with the Clerk of 6 the Court using the CM/ECF system, which will send notification of such filing to the following 7 CM/ECF system participants: 8 9 **Attorneys for Plaintiffs** 10 Carson Phillips-Spotts, WSBA #51207 Elizabeth Hanley, WSBA #38233 SCHROETER, GOLDMARK & BENDER 11 401 Union Street, Suite 3400 12 Seattle, WA 98101 Phone (206) 622-8000 Fax (206) 682-2305 13 Email: spotts@sgb-law.com Email: hanley@sgb-law.com 14 Email: Hodges@sgb-law.com 15 temkova@sgb-law.com Karen A. Klein, WSBA #14989 16 LAW OFFICES OF KAREN A. KLEIN KAREN A. KLEIN, WSBA #14989 17 403 Madison Ave N, SUITE 240 Bainbridge Island, WA 98110 18 Tel: 206.498.4594 19 Email: karen@karenkleinlaw.com 20 I declare under penalty of perjury under the laws of the State of Washington that the above 21 is true and correct. Executed on November 17, 2023, at Seattle, Washington. 22 23 /s/ Noemi Villegas 24 Noemi Villegas, Legal Secretary NVillegasDiaz@littler.com 25 LITTLER MENDELSON, P.C.

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